

TEWKSBURY PLANNING BOARD MINUTES
February 13, 2023

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:00 P.M. Present at the start of the meeting were Robert Fowler, Vincent Fratalia, James Duffy & Jonathan Ciampa.

(A) **Approval of Minutes** – January 9, 2023

MOTION – Mr. Duffy made a motion to approve the 1/9/23 minutes. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(B) **Committee Reports/ Administrative Actions**

(B1) **Committee Reports**

Mr. Duffy shared that he attended a NMCOG special meeting to discuss a strategic planning process for NMCOG. Following the meeting the members & staff assembled a proposed strategic planning process for moving forward, which will be discussed and potentially voted on at the NMCOG council meeting this Wednesday. He will provide updates once this planning process is finalized.

Mr. Ciampa stated there was a meeting for the elementary school building committee. The school has been open since the end of winter break & there have been minimal warranty issues with most of the equipment, everyone seems to be settling in quite nicely. He believes the punch list is down to 5 items that require attention, the only item of substance is an issue with the gym floor, excessively dry air has caused separation of the wood boards.

(B2) **Town Planner's Reports**

1) New Projects in Town

2560 Main Street (former Woodhaven) – the new owners are working on demolition plans and are targeting early March for submission. This project will feature accommodation for people 55 and over, containing independent living quarters suitable for single- or double-person occupancy, with common dining facilities and other limited services. The owners are hoping to have it online as soon as possible.

1775 Andover Street (Residence Inn) – The owners are still waiting for their Project Eligibility Letter (PEL) from the Massachusetts Housing Partnership, one of the affordable housing funding agencies, but expect to have it soon. This project is an adaptive reuse of the existing extended stay hotel into a 40B housing site, through the Local Initiative Project (LIP) process.

937 North Street – there has been some progress as of late for the proposed hotel at the corner of North Street and International Place, across from the Raytheon campus. This project was originally permitted in 2017 as a 132-room Hilton Garden Inn but was held up in appeals until February 2020. Prospective buyers are working through the finer details and hope to have this project up and running.

2254 Main Street (former Bluebird Café) – the newest tenant of this building will be The Pull-Up (Food Truck). Owner and executive chef, Robin, has been spending recent days helping to get another food establishment, Code 1 BBQ, off the ground in Wilmington. Soon, he will be putting down his own roots in Tewksbury, bringing Latin soul food to the community. You can check out his Facebook page, The Pull-Up LLC, to get a sneak peek into what will be on the menu.

2) On the Horizon for February 27 Meeting

623 Main Street (Eco Auto) – Final designs of their site signage and taking our new bylaw into account have left them with a slightly out of compliance design. They will be coming for a Sign Special Permit as they quickly approach opening day.

2122 Main Street – This site was originally permitted for mixed-use development in 2016 and has received subsequent special permit extensions. The owners are under agreement with a firm pursuing the site for a retail marijuana establishment and additional commercial space.

TEWKSBURY PLANNING BOARD MINUTES

February 13, 2023

1693 Shawsheen Street – this site is currently home to MDR Construction, and they are looking to utilize some of the empty space for a retail marijuana establishment.

3) Minor Site Plan Review vs. Major Site Plan Review

The Building Commissioner and I had a discussion regarding the requirement for Major Site Plan Review vs. Minor Site Plan Review as it relates to site re-development.

Under the requirements for Section 3.6.2, sites that have 1,000 SF or more of alterations which refer to structural changes or expansions in our bylaw definitions, the site must be referred to the Planning Board for Major Site Plan Review. If there are no structural changes, exterior alterations, or new construction, applications may be considered for Minor Site Plan Review by staff. The Building Commissioner and I discussed the scope of review for both types of Site Plan Review and agree that Major Site Plan Review is an all-encompassing plan review, triggering compliance with all parts of the Zoning Bylaw including dimensional requirements. However, Minor Site Plan Review is limited to the “minor changes” noted in the bylaw relating to 1,000 SF or less of alterations, changes that would result in increased trips, noise, or similar.

This review process is complicated when a regulatory requirement requires Site Plan Review by the Planning Board, where the application itself may only require Minor Site Plan Review in the Zoning Bylaw. Under Section 3.6.5.C, staff may refer any Minor Site Plan Review to the Planning Board for review and a public hearing. In this instance, the application may be reviewed for compliance as a Minor Site Plan Review in applicability, looking at “increased trips, noise, site lighting, or other actions that may increase impacts on abutting properties” but would be referred to the Planning Board for a public hearing and final approval to comply with other Town Board bylaws and regulations.

From this perspective, a pre-existing nonconforming site or structure would not require relief from the Zoning Board of Appeals unless they were making alterations to increase the nonconformity, but a redevelopment of the site alone does not trigger a full compliance review. This provides a reasonable path forward for redevelopment of vacant sites while also ensuring a close review of any proposed changes.

Mr. Fratalia stated a marijuana site is going to need more than 1,000 sq. ft.. Ms. Lowder stated that alterations refer specifically to structural changes, if they are changing the bones of the building, adding additions things like that is what going to trigger zoning reviews of setbacks etc.

Mr. Ciampa stated they have some non-conforming sites that have fallen into abandonment or non-use will changing this grandfather them in instead of providing the board with an opportunity to try to move them closer to the bylaws or make them less non-conforming, his concern is applicants coming in assuming they don't have to do anything as long as they're under the 1,000 sq. ft. Ms. Lowder stated that is entirely possible but its up to the board to request things that can move them closer to compliance understanding that requiring full compliance could be an undue burden on somebody who's trying to redevelop a site, closer to compliance is better than nothing. Folks who purchase a lot over 1 acre that's entirely paved may shy away from wanting to redevelop the site if they have to go to extra boards or what have you.

4) Final Drafts of Proposed Bylaw Changes

Attached are the proposed warrant articles that I brought for your consideration at a previous Planning Board meeting. To have these on the warrant as Board-sponsored articles, I request that the Board take a vote to that effect.

MOTION – Mr. Fratalia made a motion to endorse the warrant articles. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

Ms. Lowder informed the board that they did receive some reports over the weekend that the scrim that was placed around the corner of Livingston & Main St at Treehouse had fallen down from the wind. She stopped by to ensure it was remedied and she has photos to show the board that it was taken care of swiftly.

Mr. Ciampa asked if it was taken care of before she contacted them, are they taking care of it themselves. Ms. Lowder stated she contacted them at 8am that morning and it was done by the time she got there. Mr. Ciampa stated he was just curious if they were being diligent or if they would have to keep prodding them until their final landscaping is in. Ms.

TEWKSBURY PLANNING BOARD MINUTES

February 13, 2023

Lowder stated she impressed upon them that they would have to keep up with it or she would be calling and emailing them every single time.

(B3) 255 Salem Street/ Border Road – As-Built Acceptance

Jim Hanley appeared for the As-Built Acceptance for 255 Salem St/ Border Rd. Mr. Hanley stated they got comments back that day & they have a little bit of work to do to address some of DPW's comments.

Ms. Lowder stated she was tasked with finding the origins of deeding the open space to the owner of lot 1 & it was found that the lot wasn't going to be of use to anyone but that homeowner & that was the original intent. The developer then formed a HOA to accept responsibility for maintenance of the open space which was a deviation from the original approvals, the HOA was executed by the developer on 3/25/2020, which is allowed by the bylaw for open space that just happened to occur afterwards.

Mr. Duffy asked what the HOA's responsibility would be for the open space in regard to maintenance. Mr. Hanley stated for the most part it's just passive recreation. Mr. Cuoco stated that the HOA has already been recorded so all homeowners are aware of the rules and responsibilities when they purchase a home.

(B4) 1009 Livingston Street – As-Built Acceptance

Mr. Hanley & Dick Cuoco appeared for the As-Built Acceptance for 1009 Livingston Street. Mr. Hanley gave an overview of what they have done in the process so far & stated he would like to discuss the 7 outstanding comments with the board. They have an infiltration pond at the end of their roadway they had an issue with it where there was standing water, they coordinated improvements with DPW, since that time there has not been any standing water until a few weeks ago with the extreme cold. They spoke with the DPW & they would like to see a rain event to see how it functions in non-frozen conditions. There was also a section of curbing that was not installed to allow access to that pond to allow routine annual maintenance, they plan to put a driveway apron in so they maintain the flow in the gutter line and access to that pond. Mr. Hanley continued that on the proposed plan they essentially had 12 trees along the right of way to address the landscaping requirement, the location of those trees has changed to address field conditions but they have 12 trees out there today. There's about 2,800 sq. ft between lot 2 & the infiltration pond & they basically directed the contractor to maintain as much vegetation as realistically possible. They came to an agreement where they are going to leave the handicap ramp where it needs to be, put the stop bar where it needs to be & allow drivers to creep out beyond the stop bar to obtain the site distance they need. The last item is about monumentation within a driveway, there at 3 houses along the driveway & where the road flares from straight to cul-de-sac is 4 bounds within about 25' two of those bounds end up in a driveway. There was something missed when the building permit was issued, DPW was clear they wanted to see the driveways placed consistent with the subdivision plan the challenge is that they come to the board 18 months before the owners select the house, build a house, select a footprint associated with that house so the subdivision plan is the best estimate with what is known at the time. There are 2 locations where bounds would be in those driveways, instead of putting bounds in they put railroad spikes maybe 8" deep. DPW wants the bounds, the challenge from their perspective is that the spikes are in, the houses are sold, if they were to cut out & put in the typical bounds his concern is getting heaving & thawing that would happen around the interface between the edge of the concrete & the pavement so you get water that sets in there with the potential to crack. Mr. Hanley feels the better alternative is to provide the railroad spikes that are already in there & to provide additional monumentation they've set 2 additional bounds along the actual property lines. Mr. Cuoco then went over the plan he handed to the board to back up what Mr. Hanley had just stated.

Mr. Fowler asked if there was anything in writing stating why the DPW doesn't want them to do it the way they would like to. Mr. Hanley stated they did not, he responded late the past week and has not seen anything come through. Mr. Cuoco stated they location they are in they have a better chance of surviving over a 40-year period than having the ones that are within 20' of each other & it will be shown on the recorded street acceptance plan. Mr. Fowler asked what the problem was, Mr. Cuoco stated it requires a waiver. Mr. Fowler stated even though their makes sense they have to ask for a waiver, Mr. Cuoco confirmed that was the case.

TEWKSBURY PLANNING BOARD MINUTES

February 13, 2023

Mr. Ciampa stated that maybe once they got from the subdivision plans to actual plans if they had come and said here's our new idea for the bounds & get the approval back then generally the town does not look favorably on people that ask for forgiveness rather than permission. Mr. Cuoco stated they have no issue with that moving forward, it's been a common practice in the past so they are cognizant of that and if that situation comes up they will come and talk to the board prior. Mr. Hanley suggested when they put together the plot plan that they include with the building permit really all that is the subdivided lot with the setbacks & new building footprint on it if it were a requirement that they would show the new driveway that would be associated with the new footprint that might help when they go through this in the future.

Mr. Fratalia stated they have had discussions in previous meetings about getting more communication before they get to a stage where there are issues like this. His concern now is more for the homeowner, he doesn't want them having issues with the driveway in the future because of a bound or post, he understands what they want to do but they have to work with Mr. Hardiman as well so hopefully they can come to an agreement & move forward.

Mr. Duffy stated he doesn't have a major problem with moving the bounds to a different location, he took a drive up there and they seem to be in a better location. Mr. Duffy asked if there is a waiver granted would they provide the homeowners with an updated certified plot plan that shows the new location of the bounds. Mr. Cuoco stated that would not be a problem. Mr. Duffy then asked about removing the railroad spike, Mr. Cuoco stated that it was better for the integrity of the driveway to leave it in, Mr. Duffy respectfully disagreed. Mr. Cuoco asked if they could ask the homeowner and do what they request, Mr. Duffy added that if it becomes a problem for them they would go back and repair them. Mr. Cuoco stated he would rather do it up front before the contractor is gone, if acceptable they will ask the homeowner if they would like it removed and repaired or left as is & they would modify the plot plan to show it. Mr. Duffy clarified that the top of the grass lined up with the bounds, Mr. Cuoco confirmed that was correct. Mr. Duffy asked the specific problem DPW had with the relocation of the bounds, Mr. Cuoco stated the DPW's job is to say what the regulation is, they are just doing their job.

Ms. Lowder stated the reasoning for the request to install the 6" monuments is that they aid the DPW with issues of right-of-way. Mr. Johnson requested photos the next time the applicants come in.

(C) 3 Amos Street – Colleen Hennigan – Family Suite Special Permit

MOTION – Mr. Fratalia made a motion to waive the public reading. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

Colleen Hennigan & Alex Doyle appeared for the Family Suite Special Permit for 3 Amos Street. Ms. Hennigan stated she wants to add an in-law to her house.

Mr. Fratalia confirmed the applicant would like to add a 1,000 square foot in-law to the house. Ms. Hennigan confirmed that was correct it was for her mother. Mr. Fratalia asked if they had sewer at the house, Ms. Hennigan confirmed they did.

Mr. Ciampa stated he took a drive by & everything seems compliant.

There were comments from the audience.

MOTION – Mr. Fratalia made a motion to close the public hearing. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

MOTION – Mr. Fratalia made a motion to approve the Family Suite Special Permit for 3 Amos Street. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

TEWKSBURY PLANNING BOARD MINUTES

February 13, 2023

(D) 770 Main Street – Butler School, LLC on behalf of the Cariciofi Realty Trust – Site Plan Review/Land Disturbance Permit (continued from 1/23/23)

MOTION – Mr. Ciampa made a motion to continue the Site Plan Review/ Land Disturbance Permit for 770 Main Street to February 27, 2023 at 7:15 PM. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(E) 1866 Main Street – La Vita Dolce, LLC on behalf of First Colonial LLC – Sign Special Permit

MOTION – Mr. Fratalia made a motion to waive the public reading. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

Todd & Rebecca Arsenault appeared for the Sign Special Permit for 1866 Main Street. Mr. Arsenault stated they overlooked the issue of the smiley face for their logo, being 24’x’24’ being outside the permit & at the time the sign installer assumed it was okay to put it up. He did remove it and called the town to ask the board if they could have their logo.

Mr. Ciampa asked the importance or relevance of the logo. Mr. Arsenault stated that it goes with the name La Vita Dolce and provided explanation. Mr. Ciampa asked if the smiley face was part of other marketing like menus or website, Mr. Arsenault stated it will be everywhere.

Mr. Fowler asked why it was frowned upon to have this logo. Mr. Arsenault stated he doesn’t believe it was frowned upon, he believes it was out of the sign requirement size and when his sign guy just put it up he said they would figure it out, the issue was just that it was out of sign compliance size. Mr. Fowler asked if the signs were larger than what its supposed to be now, Ms. Lowder answered its larger than what is allowed by the bylaw.

Mr. Duffy confirmed the La Vita Dolce sign that is there now is in compliance & the issue is that they wants to add the smiley face to this sign then asked how much over the square footage it would be. Ms. Lowder stated the original sign was approved under the old bylaw which allowed a maximum of ~ 36’-40’ but that already exceeds what would be allowed under the current bylaw and the smiley face would put it further out of compliance. Mr. Arsenault stated that his sign installer didn’t understand he couldn’t just make the sign based on the size of the building. Mr. Duffy asked what color it would be, Mr. Arsenault stated it would be black with a light behind it. Mr. Duffy clarified that basically the total square footage of the sign area is just under 34 sq. ft. Mr. Arsenault added on a 4,800 square foot building. Mr. Duffy stated he didn’t have a problem with it and made sure they would have the light on a timer.

Mr. Johnson stated he did not have an issue, being round it looks similar to the fake windows they have asked applicants to install in the past.

Mr. Duffy added he would like to reserve the right for the board to revisit the lighting of the sign if they receive any complaints.

There were no comments from the audience.

TEWKSBURY PLANNING BOARD MINUTES
February 13, 2023

MOTION – Mr. Fratalia made a motion to close the public hearing. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

MOTION – Mr. Fratalia made a motion to approve the Sign Special Permit for 1866 Main Street with conditions mentioned. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

(F) 999 Whipple Road – Town of Tewksbury – Site Plan Review/ Land Disturbance Permit

MOTION – Mr. Ciampa made a motion to waive the public reading. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Kevin Hardiman, Tony Wespiser, Tyler Cofelice & Jeff Aliberti appeared for the Site Plan Review/ Land Disturbance Permit for 999 Whipple Road. Mr. Wespiser took the board through a slideshow presentation showing existing conditions and the proposed new building. Mr. Cofelice continued the presentation by going over the proposed site development.

Mr. Fowler asked if the size of the new building increased from the original submittal, Mr. Cofelice stated it had been reduced & Mr. Wespiser added that the size of the building in the new concept is smaller than the original concept. The original concept had 2 buildings, no they are leaving the existing building with some renovations & proposing a new building which is smaller square footage than each of the 2 prior buildings. Mr. Fowler questioned the increase in land disturbance, Mr. Hardiman clarified that though the building is smaller the location has changed requiring more disturbance on the site. Mr. Fowler asked the applicants to explain why a smaller building required more land disturbance. Mr. Wespiser explained that the location of the new building is different from the location of the original buildings. The original 2 buildings were located where the existing facility is, they are now renovating the existing building and putting the new building in the area closer to Pine Street.

Mr. Fratalia asked about the location of the food pantry. Mr. Hardiman explained there was a carpentry shop next to it, they now use it for seasonal storage. Mr. Fratalia then asked Mr. Hardiman to consider that the food pantry was looking for more space. Mr. Fratalia then asked about the stump landfill issue just being brought up now. Mr. Wespiser stated that it was incorporated into the original proposal, it was not new information. Mr. Fratalia stated he had concerns about the roof of the existing building, Mr. Wespiser stated the project includes some renovations of the existing building, including the leaking roof. Mr. Fratalia asked why they don't just do a whole new roof on the existing building. Mr. Hardiman clarified that the building has different roof types over its span, the area over the vehicle maintenance shops is a tar & gravel roof which is why it needs the most attention. They've been able to maintain the other roofs over the years and they are in fairly good shape. Mr. Fratalia then asked about any proposed landscaping to the front of Whipple Rd, Mr. Wespiser stated right now the projects does not include that. Mr. Fratalia asked if there were any plans to block the view of the generators, Mr. Hardiman informed him that those are actually for the RECC next door and on the RECC property.

Mr. Duffy questioned the variance they are requesting for the food pantry, he knows building height. Mr. Wespiser stated it was front of building line and explained the reasoning by showing the board on a site plan. Mr. Duffy asked if they move forward with any of the alternate bids if they were going to need further variances. Mr. Wespiser stated they would

TEWKSBURY PLANNING BOARD MINUTES

February 13, 2023

not. Mr. Duffy asked if any of the new building structure was going to be built near the fill area. Mr. Wespiser stated a portion of the new building would be constructed over that, it has been looked at very closely by their team and they have proposed doing some ground improvement. Mr. Duffy asked if there was any issue of off-gassing into the building, Mr. Wespiser stated not from a stump landfill, to address those concerns they are already planning on including a sub slab ventilation system with the building as a precautionary measure.

Mr. Ciampa asked about the rationale for the dead end parking & not doing a second curb cut, if bid alternates 1 and 2 do not move forward would they need all that parking or could it be reduced to 10 spaces. Mr. Wespiser referred back to a slide to answer part of the question and stated that they were just trying to limit curb cuts on Pine St. Mr. Ciampa stated there isn't a bylaw limiting curb cuts but there is a bylaw limiting dead end spaces. Mr. Hardiman referenced the plan stating if they were to add another driveway it would be close to Maureen Drive but not directly aligned which is an unsafe situation. Mr. Cofelice stated they are also proposing part of the earth berm to come in that area so that would be limiting some of the screening of the site as well. Mr. Ciampa confirmed the number of spaces in the bid alternative which is 32 and asked the hardship if they did bring it back to 10 to make it compliant, if the waiver is not approved what would be the response. Mr. Hardiman stated they would have to put a second curb cut in but like he said its not ideal for a driveway to come out near another existing intersection. Mr. Ciampa then pointed out that parking spaces are supposed to be 9.5 x 18.5, they are shown as 9x18 and asked if that has been resolved. Mr. Wespiser stated it had and that one of the handicap spots would be van accessible.

Mr. Johnson pointed out the "second" curb cut would actually be the third curb cut on that road within the span of 300' & one of those curb cuts involves all the DPW vehicles coming out of it, in this case having 3 different driveways coming out onto that road just doesn't make any sense, its dangerous. This is the ideal place for implementing that kind of waiver to avoid cutting in again in that area. Mr. Johnson continued that in terms of parking spaces he doesn't have an issue because he wants anyone who has to go to that building parking there, not parking elsewhere and traversing the DPW hardtop jumping between dump trucks. As far as the waivers on height, those are no brainers because they are for existing buildings & he has no issue with the arborvitae, they work perfectly as that wall of green and should screen the lot from the abutting residents.

Mr. Johnson opened the hearing to the audience.

Suzanne Bradley, 260 Pine Street – Ms. Bradley stated they were excited about the new concept and asked the height of the new offices, Mr. Cofelice stated the tallest part is the maintenance portion & its right at 35'. Ms. Bradley then confirmed that the fire hydrant that may be in the way of the new driveway would stay in that location, Mr. Cofelice stated they would work around it. Ms. Bradley then stated she was against the 3rd curb cut because it is already a blind spot in that area.

Richard Cuoco, 73 Emerald Court – Mr. Cuoco asked if it would make sense to rezone this lot to municipal at the May town meeting in because the variances aren't guaranteed. Ms. Lowder stated they got rid of the municipal zoning as one of the districts & incorporated the existing buildings into their respective districts. Ms. Lowder provided clarification for

TEWKSBURY PLANNING BOARD MINUTES
February 13, 2023

the the pending ZBA application by stating the new building throws the existing structures out of compliance because all accessory structures in any district have to be behind the front line of the principal structure & they cannot exceed 20' period.

MOTION – Mr. Fratalia made a motion to continue the Site Plan Review/ Land Disturbance Permit for 999 Whipple Road to February 27, 2023, at 7:20 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

(G) 118 Lumber Lane – 118 Lumber Lane LLC – Site Plan Review/Special Permit/Land Disturbance Permit
(continued from 1/23/23)

Meera Cousens, Dick Cuoco & Joe Phalen appeared for the Site Plan Review/Special Permit/Land Disturbance Permit for 118 Lumber Lane. Ms. Cousens stated they were there for the industrial garage proposed at this address and went over the existing conditions and proposed plans of the site. Ms. Cousens stated they are currently working through the comment letter from the DPW & will submit revised plans in the coming weeks & that they also received a review letter from planning which she did want to go over. Ms. Cousens stated comment 5 stated no parking spaces within 10' of a lot line, none of their proposed parking is within 10' so she wasn't sure why that was mentioned, Ms. Lowder stated she would have to re-review the plans. Ms. Cousens continued, comment 6 mentioned sidewalks are required within the site, they did have sidewalk between the building and parking spaces, Ms. Lowder reiterated that she would have to check the plans. Mr. Ciampa asked if the doors on the rear of the building are accessible to pedestrians, Mr. Cuoco stated those were bay doors, Mr. Ciampa stated he thought he saw standard doors, Mr. Cuoco stated anyone coming to the building as a visitor would park in the front area, the man doors in the back are for people coming in, they don't want to have to open the bay door for every person coming in the back. Mr. Cuoco brought up another issue of having 2 principal buildings on a lot which is prohibited under the current bylaw, they filed an ANR subdivision plan where they did lot line relocation on the back property in April. Given some of the complexity of the issue that were brought up by the DPW they are looking at 2 meetings out, they only came in to get some feedback from the board to have while they work on the DPW comments. Ms. Lowder stated for comment #5 that was meant to say no paved area within 10' of a lot line, not parking & looking at the area that abuts 120 Lumber Ln she wasn't sure if that was within 10'. Ms. Cousens stated she kept it 10' away. Ms. Lowder stated comment # 6 regarding the sidewalks, that was going to be an accessory structure to the other then they would have wanted some sidewalks but if it's a separate principal building then just making sure if there is to be an kind of pedestrian travel between the building that that is taken into account.

Mr. Ciampa asked if the applicants had any comments on the request for a bike rack, Mr. Cuoco stated they will put one.

Mr. Fratalia asked if there were any potential tenants, Mr. Cuoco stated there was not but there isa need for it and they know they will be able to fill the building up.

There were no comment from the audience.

MOTION – Mr. Ciampa made a motion to continue the Site Plan Review/ Special Permit/ Land Disturbance Permit for 118 Lumber Lane to March 13 at 7:05 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

TEWKSBURY PLANNING BOARD MINUTES
February 13, 2023

(H) **2504 Main Street – Steve Doherty – Site Plan Review** *(continued from 1/23/23)*

MOTION – Mr. Ciampa made a motion to continue the Site Plan Review for 2504 Main Street to February 27, 2023, at 7:00 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(I) **Administrative Actions***(continued)*

1. 24 Pleasant Street – Landscape Plan Discussion

David Plunkett & John Sullivan appeared for the Landscape Plan Discussion for 24 Pleasant Street. Mr. Plunkett stated that they were there in regards to a tree being taken down and to discuss a remedy for the situation. The applicant plans to purchase a mature 24’-26’ tall 12’-15’ wide sycamore tree & provided pictures from the tree farm to board. Mr. Plunkett stated the applicant will also be doing extensive landscaping.

Mr. Johnson asked when they are looking to put the tree in. Mr. Sullivan stated they would like to do during landscaping which is one of the final parts.

Mr. Duffy asked for clarification on which tree they are referring to, Ms. Lowder clarified it is the one closest to Main Street on the plan. Mr. Duffy asked if the applicant was provided any documentation on the tree that is going back in there. Mr. Plunkett referenced a letter from H.F. Johnson describing how the tree will be installed, Mr. Duffy stopped him and stated he would be happy if the board was provided documentation from the company providing the tree with some detail & specifications.

Mr. Fowler asked if the people that provided the condition of the old tree are the same people planting the new tree. Mr. Plunkett stated it was not. Mr. Fowler ended by stating he was looking forward to seeing it come to fruition.

Mr. Fratalia thanked the applicant to coming in and rectifying the situation. Mr. Plunkett repeated the size of tree and stated he would send more information to the office. Mr. Fratalia asked if the bounds were being put back, Mr. Plunkett stated he would check on that.

Mr. Ciampa thanked the applicant for coming forward with a good plan, it seems like he is doing the best available option to him. Mr. Ciampa continued he would have liked to have seen some documentation on the condition of the original tree warranting that it be taken down.

Ms. Lowder asked that they submit a revised landscape plan for the record.

Mr. Plunkett stated they will send in a confirmatory documentation and revised landscape plan.

MOTION – Mr. Ciampa made a motion to accept the replacement sycamore tree. The motion was seconded by Mr. Fratalia and unanimously voted 5-0

Old Business

New Business

TEWKSBURY PLANNING BOARD MINUTES

February 13, 2023

Correspondence

Mr. Ciampa stated he read the article & asked if there was any relevance to 770 Main St. Ms. Lowder stated this article was sent as a print off from an online newspaper sent to the planning board with no return address & no context. Mr. Ciampa stated the article was dated 8/5/2013 and he's trying to figure out the relevance. Mr. Johnson stated as Ms. Lowder just pointed out when things are sent in anonymously with no detail & they have to speculate why, they start going round and round. They will make note of it if it becomes relevant in the future. Ms. Lowder stated for transparency she didn't want to confuse anyone, she wants it to be known that when residents send something in it does not go into a black hole, it all goes to the board.

Mr. Duffy shared that he attended a NMCOG strategic meeting & one of the hot topics was affordable housing. This led him to attend a Tewksbury Cares meeting and he recommends anyone attend these meetings, and thanks the board of health for running that program.

Adjournment

MOTION – Mr. Fowler made a motion to adjourn the meeting at 9:17 P.M. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

Approved on: March 27, 2023

List of documents from the 2.13.23 meeting

Documents can be found in the Community Development Office

- A. 7:00** Approval of Minutes: January 9, 2023
- **Meeting Minutes 1/9/2023**
- B. 7:00** Committee Reports/Administrative Actions
- 1- Committee Reports
 - 2- Town Planner's Report
 - **Memo from Alexandra Lowder dated 2/10/2023 w/attachments**
 - 3- 255 Salem Street/Border Road – As-Built Acceptance
 - **Memo from Alexandra Lowder dated 2/10/2023**
 - **Letter from Kevin Hardiman dated 2/13/2013**
 - 4- 1009 Livingston Street – As-Built Acceptance
 - **Letter from Civil Design Consultants dated 2/3/2023**
 - **Waiver request letter from Civil Design Consultants dated 2/9/2023**
 - **Memo from Alexandra Lowder dated 2/10/2023**
- C. 7:00** 3 Amos Street – Colleen Hennigan: Family Suite Special Permit
- **Application packet dated 1/13/2023**
- D. 7:00** 770 Main Street – Butler School, LLC on behalf of The Cariciofi Realty Trust: Site Plan Review, Land Disturbance Permit (*continued from 1/23*) – **applicant requested continuation to 2/27**
- **Letter from Kevin Hardiman dated 2/10/2023**

TEWKSBURY PLANNING BOARD MINUTES

February 13, 2023

- E. 7:00** 1866 Main Street – La Vita Dolce, LLC on behalf of First Colonial LLC:
Sign Special Permit
- **Application packet dated 12/28/2022**
 - **Memo from Alexandra Lower dated 2/1/2023**
- F. 7:05** 999 Whipple Road – Town of Tewksbury: Site Plan Review & Land Disturbance Permit
- **Application packet dated 1/12/2023**
 - **Site plans dated 1/12/2023**
 - **Memo from Alexandra Lowder dated 2/3/2023**
 - **Letter from Andrew Stack dated 2/9/2023**
 - **Waiver request letter from Weston and Sampson dated 2/13/2023**
- G. 7:10** 118 Lumber Lane – 118 Lumber Lane LLC: Site Plan Review, Special Permit, Land Disturbance Permit (*continued from 1/23*)
- **No new materials submitted**
- H. 7:15** 2504 Main Street – Steve Doherty: Site Plan Review (*continued from 1/23*) – **applicant requested continuation to 2/27**
- **No new materials submitted**
- I. Administrative Actions (continued)**
1. 24 Pleasant Street – Landscape Plan Discussion
- **Letter from David Plunkett dated 1/27/2023**
 - **Landscape plan dated 9/16/2021**
- Old Business**
- New Business**
- Correspondence**
- **Letter to Tree House Brewing Company dated 1/24/2023 w/attachment**
 - **Response from Tree House Brewing Company dated 1/25/2023**
 - **Article mailed with no return address (undated; 4 pages)**
- Adjournment**